

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 30, 2004

H026464 4920 CORPORATION v. REYNOLDS PRICE CASAS & REILY, LLP

The judgment is affirmed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 30, 2004

H025401 DENEVI v. LGCC et al.

The judgment is reversed with instructions to summarily
adjudicate the third and sixth causes of action in defendants'
favor and to permit plaintiff to prosecute the remaining causes
of action. Each side will bear its own costs on appeal.
(published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 30, 2004

H026208 FORTE v. LICHTENEGGER

The judgment is reversed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed August 30, 2004

H025785 TAM et al. v. LAW OFFICES OF ANN KOO et al.

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Premo, Acting P.J., McAdams, J.)
Filed August 30, 2004

H026244 PEOPLE v. LOPEZ

(Filed order modifying opinion.) The petition for rehearing
is denied. This modification does not effect a change in the
judgment. (not published)
(Bamattre-Manoukian, Acting P.J., Mihara, J., McAdams, J.)
Filed August 30, 2004

Sixth Appellate District

San Jose, California

TUESDAY, AUGUST 31, 2004

H026443 ARCHITECTURAL HERITAGE ASSOCIATION, et al. v. COUNTY OF MONTEREY, et al.

We reverse the judgment and we remand the matter to the trial court with directions:(1) to enter a judgment granting the petition, and(2)to issue a peremptory writ of mandate directing the County(a)to set aside its certification of the mitigated negative declaration for the old jail project,(b)to set aside its approvals for demolition of the old jail,and(c)to prepare an environmental impact report in compliance with CEQA in the event it determines to go forward with demolition of the old jail. Plaintiffs shall have their costs on appeal. (not published) (McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 31, 2004

H026401 PEOPLE v. TRAN

The judgment is reversed and the matter is remanded for the limited purpose of reconsideration of defendant's motion to strike his prior strikes. If the trial court grants the motion in whole or in part, it shall resentence defendant accordingly. If the trial court denies the motion, it shall reinstate the judgment as modified to give defendant credit for 213 days of actual custody plus 106 days of conduct credit under section 4019, for a total of 319 days. (not published) (Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)

Filed August 31, 2004

Sixth Appellate District

San Jose, California

Thursday, August 31, 2004 (continued)

H026509 PEOPLE v. MARTINEZ

The judgment is modified to reflect a concurrent jail term of six months for count 3 (Veh. Code, § 23152, subd. (a)) plus 48 hours for the allegation that defendant had a passenger in the vehicle who was under the age of 14 (Veh. Code, § 23572). The judgment is further modified to reflect a suspended jail term of six months for count 4 (Veh. Code, § 23152, subd.(b)) plus 48 hours for the allegation that defendant had a passenger in the vehicle who was under the age of 14 (Veh. Code, § 23572). The trial court is directed to amend the abstract of judgment to reflect this modification. The trial court is further directed to forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed. (not published)

(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)

Filed August 31, 2004

H025802 PEOPLE v. CANO

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)

Filed August 31, 2004

H026412 CIT FINANCIAL USA, INC. v. FIDELITY NATIONAL TITLE COMPANY, INC.

The judgment of dismissal as to CIT is reversed. CIT shall have costs on appeal. (not published)

(Bamattre-Manoukian, J.; We concur: Mihara, J., Walsh, J.*)

Filed August 31, 2004

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to Article VI, Section 6 of the California Constitution.)

Sixth Appellate District

San Jose, California

WEDNESDAY, SEPTEMBER 1, 2004

IN THE MATTER OF ASSIGNMENT OF THE HONORABLE BRIAN WALSH, TO SIT
AS A JUSTICE OF THE COURT

By the Court:

It is ordered that the assignment of the Honorable Brian Walsh, Judge of the Santa Clara County Superior Court, to sit as a Justice of this court from September 1, 2004, to October 31, 2004, be spread upon the minutes in full.

Dated September 1, 2004

RUSHING, P.J.

H025023 PEOPLE v. ENGLISH, SR.

The judgment is reversed, and the matter is remanded to the trial court for the limited purpose of determining and awarding defendant custody and conduct credits, pursuant to Penal Code sections 2900.5 and 4019. The court shall prepare an amended abstract of judgment and forward it to the California Department of Corrections. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed September 1, 2004

H024898 PEOPLE v. FICKES

The judgment is reversed. The matter is remanded to the trial court for retrial, and the court is directed to sever the September 1999 crimes from the 2000 crimes. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed September 1, 2004

H027814 SANTA CLARA COUNTY BOARD OF SUPERVISORS, et al. v.
SUPERIOR COURT; KNOX, et al.

Let a peremptory writ of mandate issue directing respondent court to vacate its August 17, 2004, order and judgment granting Rosemary Knox's petition for writ of mandate and to enter a new order and judgment denying the petition for writ of mandate. The Registrar of Voters is directed to print the ballot question for Measure C on the November 2, 2004, election as approved and certified by the Santa Clara County Board of Supervisors on August 3, 2004. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).) The previously issued stay shall remain in effect pending finality of this decision. Costs in this original proceeding are awarded to petitioners. (not published)

(Premo, Acting P.J.; I concur: Elia, J.; Dissenting and concurring opinion by McAdams, J.)

Filed September 1, 2004

Sixth Appellate District

San Jose, California

THURSDAY, SEPTEMBER 2, 2004

H026511 PEOPLE v. VILLARUZ

On the Court's own motion, the submission order filed August 17, 2004, is ordered vacated to allow the parties the opportunity to request oral argument in view of the issues raised by their supplemental briefs. If oral argument is desired by any party, a written request for oral argument must be filed with the clerk of the court and a copy thereof served on all interested parties, within 10 days from the date of this order. A "Request for Oral Argument" form is attached hereto.

Dated September 2, 2004

MIHARA, Acting P.J.

H026409 PEOPLE v. HOLMES

The judgment is affirmed. (not published)
(Bamattre-Manoukian, J.; We concur: Elia, Acting P.J., McAdams, J.)

Filed September 2, 2004

H026783 In re C.O.; SANTA CRUZ HUMAN RESOURCES v. JOSE O.; C.O.

The disposition order that reunification services be provided to the father is reversed. (not published)

(Bamattre-Manoukian, Acting P.J.; I concur: McAdams, J.,
Dissenting opinion by Mihara, J.)

Filed September 2, 2004

FRIDAY, SEPTEMBER 3, 2004

H025651 PEOPLE v. KILLMAN

On the court's own motion, the submission order in the above-entitled matter dated August 24, 2004, is hereby vacated for the purposes of further supplemental briefing pursuant to *Blakely v. Washington* (No. 02-1632. June 24, 2004) 542 U.S. ____; 124 S. Ct. 2531; 159 L.Ed.2d 403; 2004 WL 1402697; 2004 DJDAR 7581

The matter will be resubmitted upon completion of oral argument if requested or if not requested, upon the expiration of the indicated 10-day period.

Dated September 3, 2004

Mihara, Acting P.J.

Sixth Appellate District

San Jose, California

Friday, September 3, 2004 (continued)

H025605 GN HELLO DIRECT, INC. v. PLANTRONICS, INC.

(Filed order modifying opinion.) There is no change in the judgment. The petition for rehearing is denied. (not published)

(McAdams, J., Rushing, P.J., Premo, J.)

Filed September 3, 2004

H026150 PEOPLE v. MORENO

The judgment is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed September 3, 2004